

AMENDED IN ASSEMBLY JUNE 15, 2000

AMENDED IN SENATE JUNE 1, 1999

AMENDED IN SENATE APRIL 6, 1999

**SENATE BILL**

**No. 141**

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**Introduced by Senator Johnson**

(Principal coauthor: Assembly Member Brewer) *Schiff*

January 4, 1999

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An act to ~~amend Section 1586 of the Fish and Game Code,~~  
relating to ~~fish and game, and parks and recreation,~~ making  
an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 141, as amended, ~~Johnson Schiff. Upper Newport Bay~~  
~~Ecological Reserve Maintenance and Preservation Fund Park~~  
~~and recreation facilities:~~ appropriation.

~~Existing law establishes the Upper Newport Bay Ecological~~  
~~Reserve Maintenance and Preservation Fund in the State~~  
~~Treasury and appropriates \$200,000 annually from the~~  
~~General Fund to the maintenance and preservation fund for~~  
~~expenditure by the Department of Fish and Game for~~  
~~purposes relating to the maintenance and preservation of the~~  
~~Upper Newport Bay Ecological Reserve.~~

~~This bill would provide that the money in that fund is~~  
~~continuously appropriated to the department for purposes~~  
~~related to the maintenance and preservation of the Upper~~  
~~Newport Bay Ecological Reserve.~~

~~Existing law provides for the Roberti-Z'berg-Harris Urban~~  
~~Open-Space and Recreation Program Act, administered by~~

*the Department of Parks and Recreation, which provides for annual grants to cities, counties, and districts for recreational purposes.*

*The*

*This bill would appropriate ~~\$400,000~~ \$2,034,654 from the General Fund to the ~~—maintenance and preservation fund for expenditure by the department in the 1999-2000 fiscal year, for those purposes~~ Department of Parks and Recreation for allocation to specified cities pursuant to the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act.*

*Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.*

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. The Legislature finds and declares all of~~  
2     SECTION 1. (a) *The Safe Neighborhood Parks,*  
3     *Clean Water, Clean Air, and Coastal Protection Bond Act*  
4     *of 2000 (The Villaraigosa-Keeley Act) (Proposition 12 of*  
5     *the March 7, 2000, primary election; Chapter 1.692*  
6     *(commencing with Section 5096.300) of Division 5 of the*  
7     *Public Resources Code) provides fifty million dollars*  
8     *(\$50,000,000) in supplemental funds to cities and districts*  
9     *with populations under 200,000 in urbanized counties*  
10    *with populations of 200,000 or greater pursuant to*  
11    *subdivision (f) of Section 5096.310 and subdivision (b) of*  
12    *Section 5096.336 of the Public Resources Code.*  
13    *Subdivision (g) of Section 5096.310 of the Public*  
14    *Resources Code provides two hundred million dollars*  
15    *(\$200,000,000) in grants to cities, counties, and districts*  
16    *for the acquisition, development, rehabilitation, and*  
17    *restoration of park and recreation areas and facilities*  
18    *pursuant to the Roberti-Z'berg-Harris Urban*  
19    *Open-Space and Recreation Program Act (Chapter 3.2*  
20    *(commencing with Section 5620) of Division 5 of the*  
21    *Public Resources Code).*  
22    *(b) Of the 398 cities in urbanized counties throughout*  
23    *the state, all but five cities (Stockton, Bakersfield,*  
24    *Fremont, Glendale, and Riverside) qualify for*

1 supplemental per capita funding, as either “small cities”  
 2 having a population under 200,000 or heavily “urbanized  
 3 areas” having a population over 300,000, as eligible cities  
 4 under the Roberti-Z’berg-Harris Urban Open-Space and  
 5 Recreation Program Act. This inequity was not intended  
 6 by the drafters of the Safe Neighborhood Parks, Clean  
 7 Water, Clean Air, and Coastal Protection Bond Act of  
 8 2000 or by the Legislature.

9 (c) The Legislature intends that the omitted five cities  
 10 receive supplemental per capita funding on the same  
 11 basis as eligible cities with populations over 300,000  
 12 persons under the Roberti-Z’berg-Harris Urban Open  
 13 Space and Recreation Program Act.

14 (d) There is hereby appropriated two million  
 15 thirty-four thousand six hundred fifty-four dollars  
 16 (\$2,034,654) from the General Fund to the Department  
 17 of Parks and Recreation for allocation at the rate of one  
 18 dollar and seventy-six cents (\$1.76) per capita to the  
 19 Cities of Stockton, Bakersfield, Fremont, Glendale, and  
 20 Riverside. The department shall allocate these funds  
 21 using the same criteria and procedures as it allocates  
 22 funds to local agencies eligible for funding under the  
 23 Roberti-Z’berg-Harris Urban Open-Space and  
 24 Recreation Program Act.

25 the following:

26 ~~(a) The state owns and is responsible for maintaining~~  
 27 ~~the 752-acre Upper Newport Bay Ecological Reserve,~~  
 28 ~~which is part of the largest functioning salt marsh~~  
 29 ~~ecosystem in southern California. The reserve plays a~~  
 30 ~~significant role in providing critical habitat for a variety~~  
 31 ~~of migratory waterfowl, shorebirds, and endangered bird~~  
 32 ~~and plant species.~~

33 ~~(b) Over 165 species of birds have been recorded in~~  
 34 ~~the reserve, including the highest concentration in~~  
 35 ~~California of light-footed clapper rails and least terns,~~  
 36 ~~both of which are endangered species. It is estimated that~~  
 37 ~~Upper Newport Bay provides a winter resting ground~~  
 38 ~~and migratory stopover for 60,000 birds between January~~  
 39 ~~and March. The bay is a nursery and spawning ground for~~  
 40 ~~more than 78 species of fish, and provides habitat for 20~~

1 species of mammals, including the gray fox and western  
2 harvest mouse.

3 (e) Despite extensive efforts to trap sedimentation  
4 upstream, fine sediment enters the bay faster than the  
5 tides can scour them from the system. Periodic dredging  
6 is required to prevent sedimentation from destroying the  
7 reserve as unchecked sediment can lead to the  
8 permanent loss of marine habitat.

9 (d) To ensure that future dredging projects will be  
10 commenced before permanent damage occurs, it is  
11 necessary to establish a special fund to provide for the  
12 ongoing maintenance and preservation of the reserve.

13 SEC. 2. Section 1586 of the Fish and Game Code is  
14 amended to read:

15 1586. The Upper Newport Bay Ecological Reserve  
16 Maintenance and Preservation Fund is hereby created in  
17 the State Treasury. Notwithstanding Section 13340 of the  
18 Government Code, the money in the fund is continuously  
19 appropriated, without regard to fiscal years, to the  
20 department for purposes related to the maintenance and  
21 preservation of the Upper Newport Bay Ecological  
22 Reserve.

23 SEC. 3. The sum of four hundred thousand dollars  
24 (\$400,000) is hereby appropriated from the General Fund  
25 to the Upper Newport Bay Ecological Reserve  
26 Maintenance and Preservation Fund for expenditure by  
27 the Department of Fish and Game in the 1999-2000 fiscal  
28 year for purposes relating to the maintenance and  
29 preservation of the Upper Newport Bay Ecological  
30 Reserve.